

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TOMMY BROWN, on his own behalf and
on behalf of other similarly situated
persons,

Plaintiff,

v.

TRANSWORLD SYSTEMS, INC., *et al.*,

Defendants.

No. 2:20-cv-00680-RSL

STIPULATION AND ORDER TO STAY
THIS ACTION EXCEPT FOR PURPOSE
OF CONDUCTING LIMITED
JURISDICTIONAL DISCOVERY

STIPULATION

After the Parties' meet and confer on June 5, 2020 to discuss various issues related to Plaintiff's Motion for Extension of Time to File Motion to Remand and Request for Limited Discovery and several subsequent communications, Plaintiff Tommy Brown ("Plaintiff") and Defendants Transworld Systems Inc. ("TSI"), Patenaude & Felix, APC ("P&F"), U.S. Bank National Association ("U.S. Bank"), National Collegiate Student Loan Trust 2004-1, National Collegiate Student Loan Trust 2004-2, National Collegiate Student Loan Trust 2005-1, National Collegiate Student Loan Trust 2005-2, National Collegiate Student Loan Trust 2005-3, National Collegiate Student Loan Trust 2006-1, National Collegiate Student Loan Trust 2006-2, National Collegiate Student Loan Trust 2007-1, and National Collegiate Student Loan Trust 2007-2

1 (collectively, “the Trusts,” and together with TSI, P&F, and U.S. Bank, “Defendants”), hereby
2 stipulate and agree, subject to the Court’s approval, to (A) stay this matter and continue all
3 deadlines for the purpose of determining (i) whether or not this Court’s limited jurisdiction exists
4 and (ii) conducting jurisdictional discovery, limited to the specific areas identified below,
5 concerning the Trusts’ citizenship; and (B) that Plaintiff’s Motion for Extension of Time to File
6 Motion to Remand and Request for Limited Discovery (Dkt. [48]) is withdrawn.

7 Specifically, the Parties agree that, for a period of ninety days from approval of this
8 Stipulation by the Court, they may seek jurisdictional discovery from Parties and non-parties
9 identifying the (i) citizenship of the Trusts, (ii) their beneficial owners (as that term is defined by
10 12 Del. C. s. 3801), and (iii) the citizenship of all members of any beneficial owners. The Ninth
11 Circuit has explained that “‘discovery should ordinarily be granted where pertinent facts bearing
12 on the question of jurisdiction are controverted or where a more satisfactory showing of the facts
13 is necessary.’ *Butcher’s Union Local No. 498 v. SDC Inv., Inc.*, 788 F.2d 535, 540 (9th Cir.1986)
14 (citation omitted).” *Laub v. U.S. Dep’t of Interior*, 342 F.3d 1080, 1093 (9th Cir. 2003).

15 The Parties further agree that Plaintiff’s deadline to timely move to remand this action, if
16 necessary, after the jurisdictional discovery is obtained in relation to the Trusts’ citizenship, shall
17 be extended to September 21, 2020 to move to remand this action to the state court and hereby
18 stipulate and agree, subject to the Court’s approval, to stay this matter and continue all deadlines
19 until after the Court has entered an order on any motion to remand that may be subsequently filed
20 by Plaintiff (or withdrawn as appropriate).

21 By agreeing to this stipulation, the Parties do not waive the right to object to any specific
22 discovery propounded and the stay of proceedings as described in this stipulation shall not bar the
23 Parties or any non-party’s right to file any jurisdictional discovery-related motions or seek any
24 jurisdictional discovery-related relief in relation to the Trusts’ citizenship.

25 DATED: June 17, 2020
26

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Attorneys for Patenaude & Felix, APC

ORDER

IT IS SO ORDERED. The amended deadlines are as follows:

1. Plaintiff's deadline to timely move to remand this action, if necessary, shall be extended to September 21, 2020.
2. The Parties may seek limited jurisdictional discovery regarding (i) the citizenship of the Trusts, (ii) their beneficial owners (as that term is defined by 12 Del. C. s. 3801), and (iii) the citizenship of all members of any beneficial owners.
3. Except as to any discovery-related disputes as may arise, this matter is stayed, and all deadlines are continued until after the Court has entered an order on any motion to remand subsequently filed by Plaintiff.

DATED this 24th day of June, 2020.



Honorable Robert S. Lasnik